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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,662	01/12/2001	Walter J. Fant	1-3-3	2700

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DOCKET ADMINISTRATOR  
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EXAMINER

BANANKHAH, MAJID A

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/759,662	Applicant(s) WALTER J. FANT ET AL.	
	Examiner Majid A Banankhah	Art Unit 2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/31/01, 8/11/04</u>  | 6) <input type="checkbox"/> Other: ____                                     |

### **DETAILED ACTION**

1. This office action is in response to application filed on January 12 2001, and the preliminary Amendment filed on August 11, 2004. Claims 1-18 are presented for examination.

#### ***Claim Objections***

2. Claims 17-18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The claim is improper because the claim does not comply with the infringement test. The claim is not a proper dependent claim because the apparatus that perform one of the methods can do other methods. It is not a proper dependent claim because it does not include all the limitations of the claim in which it depends from. See also MPEP 608.01 (n).

Claim 18 is objected to because it depends on an improper independent claim.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 recites the limitation "the multimedia signal" in line 5, and "said signal processing operation" in line 6. There is insufficient antecedent basis for these limitations in the claim.

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Claim 12 in line 4-5 recites: "adapting the contents of said signal-processing resource set depending on the multimedia signal to be processed". It is unclear what this statement means. The relationship between "adapting the content" and the "multimedia signal to be processed" is unclear.

In line 9-10, the step reciting: "a resource interface wherein operations are defined that make it possible to control said signal-processing resources: is vague. The relationship between the "interface" and the "operation" is unclear.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisler et al. (US Pat. No. 6,078,942, hereinafter Eisler).

**While claim 12, is rejected under 35 USC 112, second paragraph** as stated above (Section 3, *supra*), in order to advance prosecution, claims will be treated on the merits in view of examiner's best understanding of the disclosure and the prior art.

Per claims 12, the reference of Eisler teaches of

Per claim 12, a multimedia platform for defining multimedia functions each capable of monitoring the operation of a set of multimedia platform signal-processing resources, putting

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them in contact (col. 3, lns. 34-45), adapting the contents of said signal-processing resource set depending on the multimedia signal to be processed, and using said multimedia functions to apply said signal-processing operations to said multimedia signals, and including a plurality of signal-processing resources, comprising (col. 3, lns. 46-54):

a resource interface wherein operations are defined that make it possible to control said signal-processing resources (col. 3, lns. 3-12, and col. 5, ln. 47 to col. 6, ln. 7);

a resource management unit for allocating signal-processing resources depending on the signal-processing operation to be carried out and managing exchanges among signal-processing resources (col. 6, lns. 45-62);

an application interface wherein said multimedia functions are defined (col. 5, lns. 47-60); and

an application unit having an application program for applying said multimedia functions (col. 4, lns 27-36, and col. 5, ln. 64 to col. 6, ln. 7).

While the reference of Eisler teaches of allocating signal processing resource (Fig. 4) he fails to explicitly teach of “dynamic allocation”. However, it is well known in the art that in a multitasking environment access to the media device when it has the focus and changing focus while the application has access to the media device (col. 6, lns. 45-55) is dynamic and therefore, the management of the resource is performed dynamically, for the reason that static allocation is inefficient and for that reason in a multitasking environment the resources are allocated dynamically. It is obvious for a person ordinary skill in the art at the time the invention was made to use dynamic allocation of resource because it is more efficient and efficient and saves time.

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5. Claims 1-11, and 13-16 are allowed.

#### Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Majid A. Banankhah** whose telephone number is (571) 272-3770. The examiner can normally be reached on Monday – Thursday, 8:00 AM – 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Maid Banankhah

9/27/04

  
MAJID BANANKHAH  
PRIMARY EXAMINER